

**AN ORDINANCE  
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 130, ARTICLE I, SECTION 130-2 (c) OF THE CITY OF ATLANTA CODE OF ORDINANCES, SO THAT CERTAIN DULY AUTHORIZED AGENTS OF THE DEPARTMENT OF PUBLIC WORKS OR OTHER CITY DEPARTMENTS MAY BECOME CODE ENFORCEMENT AGENTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 98-1 of the City of Atlanta ("City") Code of Ordinances ("Code") outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

**WHEREAS**, the City's Department of Police desires to amend Section 98-1 of the Code to change the name of special police officers to 'code enforcement agents', and to more accurately define the function; and

**WHEREAS**, Section 130-2 provides the standards for the maintenance of public or private property by owners and occupiers within the City, sets forth conditions which constitute a violation of the Section, and establishes the guidelines for notifying property owners and occupiers of unsanitary conditions; and

**WHEREAS**, pursuant to Section 130-2 (c) the commissioner of Public Works or any authorized agent of the Department of Public Works or other City departments, is authorized to enter and inspect public and private property in the City to determine whether such property is being kept in a manner that is healthy, sanitary, sightly and aesthetic to the occupants, neighborhood, and community; and

**WHEREAS**, Section 130-2 (c) further provides that for the purpose of inspecting property, those employees who are authorized to carry out such inspections are clothed with police power and shall be designated a special officer of the City; and

**WHEREAS**, the Department of Police desires to delete the language which confers police powers upon such employees and designates them special officers, and provide the employees with the opportunity to become code enforcement agents pursuant to Section 98-1; and

**WHEREAS**, the Department of Police and the Department of Public Works are in agreement with these employees applying for status as code enforcement agents.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**SECTION 1:** That Chapter 130, Article I, Section 130-2 (c) of the City of Atlanta Code of Ordinances, which reads:

(c) *Inspection of premises.* The commissioner of public works or any duly authorized agent of the department of public works or other city departments may enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or are not free of any condition which may be in violation of this section or chapter. For the purpose of this duty, the sanitation code enforcement officer, including code enforcement officers, route supervisors, assistant sanitary area supervisors, sanitary area supervisors or subsequent classification titles performing the same duties, is clothed with police powers and shall be designated a special officer of the city.

be hereby amended to read as follows:

(c) *Inspection of premises.* The commissioner of public works or any duly authorized agent of the department of public works or other city departments may enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or are not free of any condition which may be in violation of this section or chapter. For the purpose of this duty, the sanitation code enforcement officer, including code enforcement officers, route supervisors, assistant sanitary area supervisors, sanitary area supervisors or subsequent classification titles performing the same duties, are eligible to apply for status as code enforcement agents under section 98-1. In order to enforce code provisions and issue citations, these employees must apply for and receive status as a code enforcement agent.

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Simone D. Brathwaite 


Contact Number: x 6310

Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: August 28, 2006

Committee Meeting Date(s): September 12-13, 2006 Full Council Date:  
September 18, 2006



Commissioner Signature  \_\_\_\_\_

**CAPTION**

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FINANCIAL IMPACT:

Mayor's Staff Only

Received by Mayor's Office: 8.29.06  (date) Reviewed by:  (date)

Submitted to Council: 9/1/06  
(date)